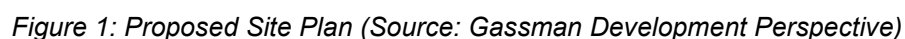


Application information	
Minor change	
Address	24 Homestead Drive, Stapylton QLD 4207
Lot and plan	Lot 121 SP316137
Site area	4.945ha
Properly made date	29 May 2023
Originating and current Planning Scheme including version	Originating and current planning scheme: Preliminary Approval – M38 Industrial Estate Place Code
Originating approved development	Material change of use for a Warehouse and Manufacturer's shop (Council reference: MCU/2021/718)
Date of originating development approval	29 March 2022
Originating approval authority	Council of the City of Gold Coast
Applicant and Applicant's consultancy team	Frasers Property Australia Pty Ltd
Owner details	Australand Industrial No. 89 Pty Limited
Referral agencies	Not applicable
Decision due date	26 June 2023
Officer's recommendation	Approval subject to conditions

The purpose of this report is to assess an application for a change to the development approval under Section 78 of the *Planning Act 2016* (PA) for a Development permit for making a Material change of use for a Warehouse and Manufacturer's shop.



3 BACKGROUND

The following table provides a summary of previous approvals over the subject site as provided by the applicant:

Approval History	
Approval Reference	Comment
MCU201100650 Dated: 6 May 2013	Preliminary approval for making a Material Change of Use (Impact Assessment) to Override The Planning Scheme for Industry Uses (M38 Industrial Estate Place Code).
MCU/2021/718 Dated: 29 March 2022	Development permit for making a Material change of use (Code assessment) for a Warehouse and Manufacturer's shop – the subject of the proposed change application
COM/2022/13 Dated: 22 April 2022	Combined application for boundary realignment and bulk earthworks.
GIC/2023/3 Dated: 27 February 2023	Minor amendments to the boundary alignment increasing the road reserve to accommodate and increased Pad Mount Transformer.

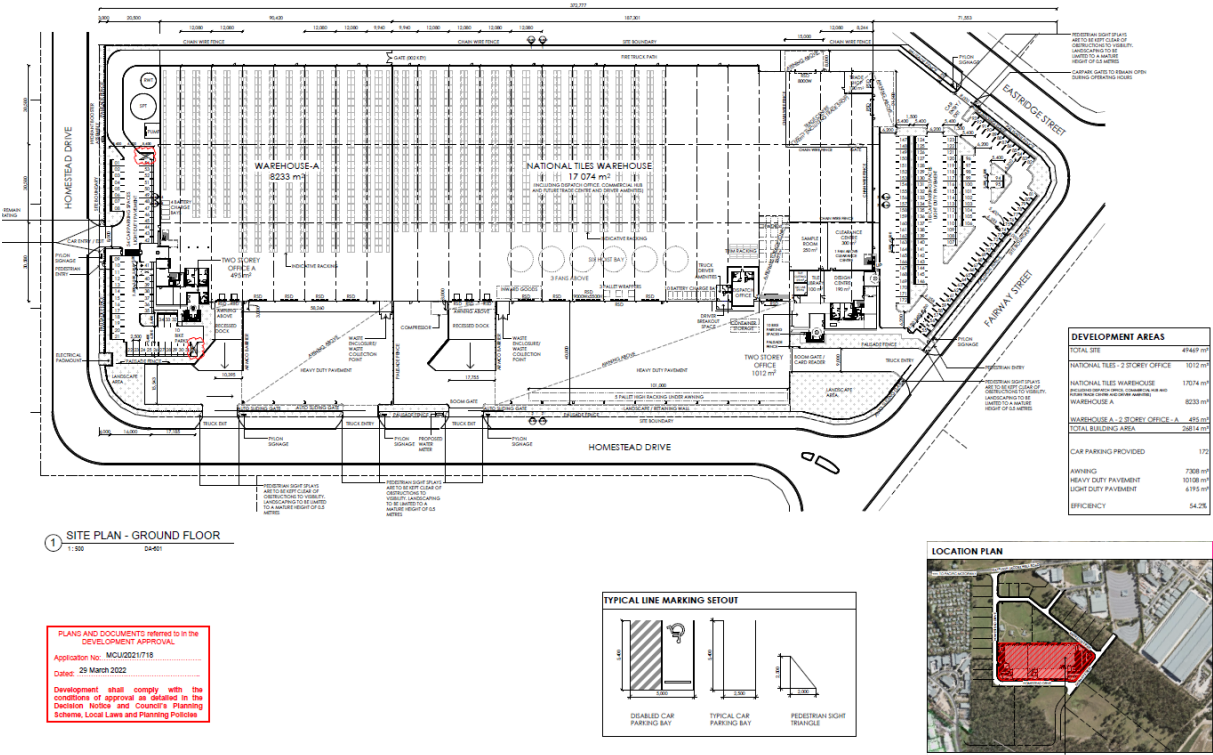


Figure 2: Stamped approved plan (Source: MCU/2021/718)

4 PLANNING ASSESSMENT

Reference is made to Attachment No.1 – “Assessment criteria for minor change to development approval”, attached to this report. Assessment has been undertaken against these provisions and the proposed change(s) are considered to be a minor change.

4.1 Minor change request

This change application seeks to change the conditions of MCU/2021/718 relating to the approved site plan, car parking provisions and maximum staff members.

The original approval provides Warehouses for two separate tenancies including ancillary office

spaces. Tenancy 1 was purposefully designed to provide a Warehouse, ancillary office and Manufacturer's shop for the end user, National Tiles. The balance of the subject site includes the second Warehouse and ancillary office tenancy (Warehouse A) with no final user intended.

The proposed Minor change seeks changes to the Warehouse A portion of the site only. PFG Australia intends to occupy the balance of the site and seeks changes to the operational characteristics of the tenancy to accommodate specific operational requirements. The applicant seeks to amend the approved plans utilising the outdoor hardstand area for temporary set-down and storage. The proposed changes intend to repurpose a portion of the approved car parking area resulting in the reduction of the car parking provision. To prevent forklift manoeuvring activities conflicting with the car parking area, the storage area includes a hardstand connection to the existing heavy duty pavement area adjacent to the loading bays (figure 3).

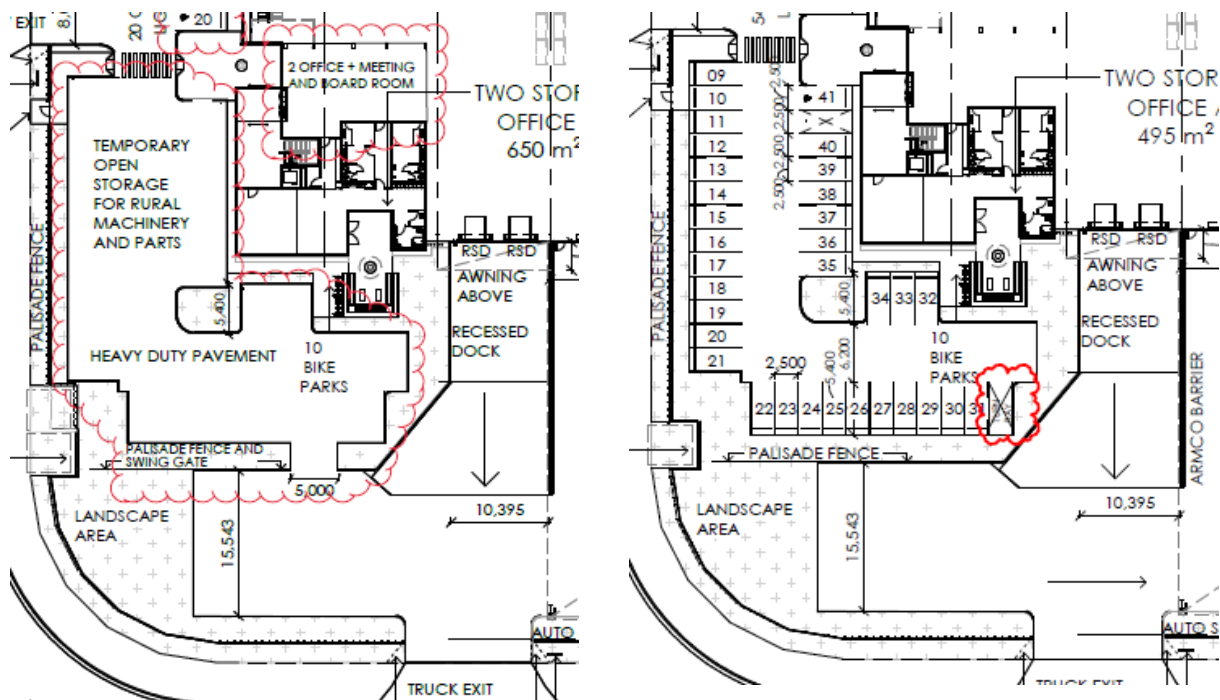


Figure 3: Proposed heavy duty pavement (left) replacing approved car parking (right) (Source: Gassman Development Perspective)

Additionally, the proposed amendments to the approved drawings includes an increase of the ancillary office space. The proposed increased GFA from 495m² to 650m² provides additional office space at ground level within an area formerly identified as Warehouse under croft (figure 4).

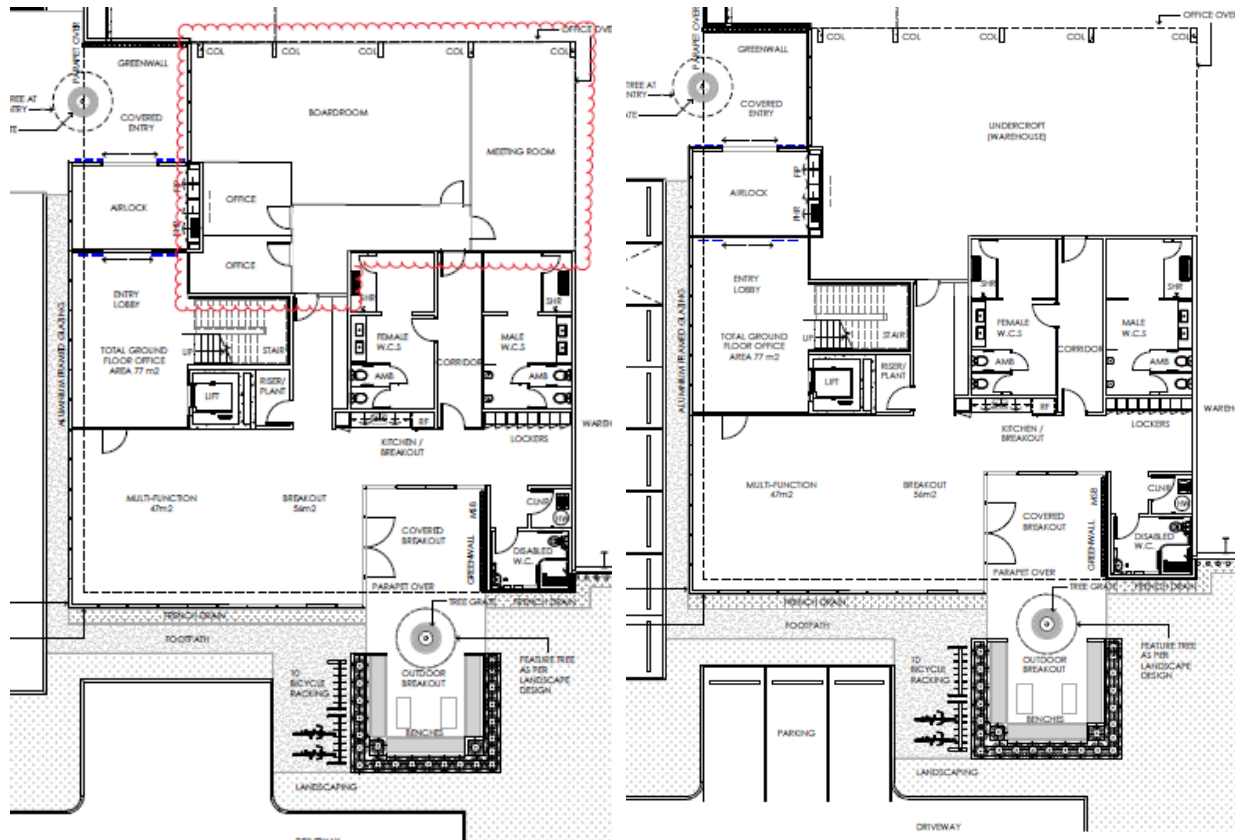


Figure 4: Proposed increased ancillary office (left) replacing under croft (right) (Source: Gassman Development Perspective)

The applicant seeks changes to the development conditions as follows:

Cond No.	Applicant request	Officer discussion / recommendation
2	Approved drawings – Amended condition to reflect updated Proposal Plans, dates, drawing numbers and versions.	The request to amend this condition is supported. The proposed changes to the drawings reflect the operational requirements for the end user. The amendments to the condition are supported.
11	Off street vehicle and car parking facilities – Amend to require a total of 138 car spaces.	The request to amend this condition is supported to reflect the car parking represented within the proposed drawings. Further discussion is required below.
14	Operational restrictions – Amend 'Warehouse A' to a maximum of 20 staff aligning with the total number of staff equalling the total number of car parks.	The request to amend this condition is supported to reflect the amended car parking provision. Further discussion required below.
N/A	Property Notification – Operational capacity - Amend notification to reflect operational restrictions identified in condition 14.	The request to amend this property notification is supported to reflect the amended operational restrictions relating to staff numbers.

4.2 Further discussion

As identified above, further discussion is warranted for Condition 11 and Condition 14 as follows:

Condition 11 currently reads:

Off street vehicle and car parking facilities

- a Design and construct off street vehicle facilities at no cost to Council prior to the commencement of the use, for each development stage identified below generally in accordance with the M38 Industrial Estate Place Code and include in particular:
 - i A total of 172 car parking spaces.
 - ii All spaces are drained, sealed and line marked.
 - iii Clearly identified signage and directional markings including:
 - Delineation of parking spaces for people with disabilities.
 - The turnaround bays clearly identifiable through the provision of signage and line marking denoting 'Turnaround bay' and 'No parking'.
- b Undertake and maintain the off-street vehicle and parking facilities at no cost to Council at all times.
- c The off-street parking facilities must only be used for vehicle parking.

The applicant requests that this condition be amended.

Applicant's representation

The applicant provides the following explanation for the reduction in car parking:

"These changes are proposed given an end user for this warehouse has been confirmed and more targeted development outcomes and operational characteristics can be confirmed and formalised through this land use approval.

The primary change proposed seeks a tailored use of the approved warehouse development, providing additional temporary outdoor laydown and storage area. This additional storage area is proposed to replace a number of light duty carpark spaces on site, however, maintains a suitable number of parking spaces to cater for PFG, who will employ roughly 18 people on the subject site."

Officer's comments

The applicant seeks to change Condition 11 to reflect a total provision of 138 car parking spaces, being the new total of parking spaces (after the removal of 34 spaces on the Warehouse A site).

Warehouse A will now be afforded 20 car parking spaces. The applicant has advised that the operator intends to operate with 18 staff members, and therefore considers that the provision of 20 spaces is sufficient to cater for the demand. Transport Assessment supports the proposed changes to Condition 11, subject to a reduction in staff members.

It is noted that the hard stand area will retain the approved shape and therefore could be reverted back to car parking in future should it be required (e.g. if a different operator was to occupy the premises).

New Condition 11 reads:

Off street vehicle and car parking facilities

- a Design and construct off street vehicle facilities at no cost to Council prior to the commencement of the use, for each development stage identified below generally in accordance with the M38 Industrial Estate Place Code and include in particular:
 - i A total of 138 car parking spaces.
 - ii All spaces are drained, sealed and line marked.
 - iii Clearly identified signage and directional markings including:
 - Delineation of parking spaces for people with disabilities.
 - The turnaround bays clearly identifiable through the provision of signage and line

- marking denoting 'Turnaround bay' and 'No parking'.
- b Undertake and maintain the off-street vehicle and parking facilities at no cost to Council at all times.
 - c The off-street parking facilities must only be used for vehicle parking.

Condition 14 currently reads:

Operational restrictions

Warehouse A

- a A maximum of 54 staff members are permitted on-site at all times.

National Tiles Warehouse

- b A maximum of 90 staff members are permitted on-site at all times.

The applicant requests that this condition be amended.

Applicant's representation

The applicant provides the following explanation for the reduction in maximum staff members:

"Amend 'Warehouse A' to a maximum of 20 staff – this aligns with the total number of staff equalling the total number of carparks"

Officer's comments

The applicant seeks to change Condition 14 to amend Warehouse A restrictions to be a maximum of 20 staff members, as Warehouse A will now provide 20 car parking spaces. It is advised that the operator intends to operate with approximately 18 staff members. This rationale is consistent with the original parking assessment.

New Condition 14 reads:

Operational restrictions

Warehouse A

- a A maximum of 20 staff members are permitted on-site at all times.

National Tiles Warehouse

- b A maximum of 90 staff members are permitted on-site at all times.

5 CONCLUSION

This report assessed a request for a minor change to the development approval under Section 78 of the *Planning Act 2016* (PA) for the Development permit dated 29 March 2022 for a Material change of use to establish a Warehouse and Manufacturer's shop at 24 Homestead Drive, Stapylton QLD 4207.

The assessment of this request determined the minor change is acceptable and recommended for approval.

6 RECOMMENDATION

It is recommended that Council resolves as follows:

That under Delegated Authority the Executive Coordinator Planning Assessment of the City Development Branch approves the Minor change application for a change to a Development permit dated 29 March 2022 for a Material change of use to establish a Warehouse and Manufacturer's shop at 24 Homestead Drive, Stapylton QLD 4207 in accordance with the Attachment entitled: Decision notice— change application approval including amended suite of development conditions for MCU/2021/718.

Author:

Natasha Sidabutar

Planner

June 2023

Authorised by:

Roger Sharpe

Executive Coordinator Planning Assessment

Attachment No. 1 – Assessment criteria for minor change to development approval

Review of the proposed change to the development approval has been undertaken against the:

- Definition of minor change contained within Schedule 2 of the *Planning Act 2016*.
- Schedule 1 of the Development Assessment Rules that identifies criteria for determining if a change would result in a substantially different development; and
- Section 81 of the *Planning Act 2016* that applies to assessing and deciding an application for minor change to a development approval.

Definition of minor change under Schedule 2 of the *Planning Act 2016*:

(b) for a development approval:

Minor change for a development approval	Officer comment
(i) would not result in substantially different development; and	The proposed change is minor and does not result in a substantially different development
(ii) if a development application for the development, including the change, were made when the change application is made would not cause— (A) the inclusion of prohibited development in the application; or	No prohibited development proposed.
(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or	Not applicable.
(C) referral to extra referral agencies, other than to the chief executive; or	No new referral agency is triggered by the minor change.
(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or	No new referral agency is triggered under section 55(2).
(E) public notification if public notification was not required for the development application.	No further public notification is required.

Development Assessment Rules - Schedule 1: Substantially different development

Substantially different development consideration	Officer comments
A change may be considered to result in a substantially different development if the proposed change:	
(a) involves a new use; or	No new use is proposed.
(b) results in the application applying to a new parcel of land; or	The minor change does not apply to any additional parcels of land.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed change does not dramatically change the appearance of the proposed development which will remain generally

	consistent with the original approval.
(d) changes the ability of the proposed development to operate as intended; or	The development will continue to operate as intended.
(e) removes a component that is integral to the operation of the development; or	The proposed change does not remove a component that is integral to the operation of the development.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	Change will not significantly impact traffic flow nor the transport network.
(g) introduces new impacts or increase the severity of known impacts; or	The change does not introduce new impacts of the severity of known impacts.
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	The change does not remove an incentive or offset component of the development.
(i) impacts on infrastructure provisions.	There is no impact on infrastructure provisions.

Section 81 of the *Planning Act 2016* applies to assessing an application for minor changes, in particular Subsection (2) (3) and (4) – matters the responsible entity must consider when assessing a minor change application.

Section 81 – Assessing change applications for minor changes	Officer comments
(1) In assessing the change application, the responsible entity must consider –	
(a) the information the applicant included with the application; and	The information submitted has been considered by all relevant officers as part of the assessment of the minor change application.
(b) if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and	Considered.
(c) any pre-request response notice or response notice given in relation to the change application; and	Not applicable
(d) if the responsible entity is, under section 78A(3), the Minister – all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and	Not applicable
(da) if paragraph (d) does not apply – all matters the responsible entity would or may assess against or have regard to if the change application were a development application; and	Considered.
(e) another matter that the responsible entity considers relevant.	Considered.

Section 81 – Assessing change applications for minor changes	Officer comments
(2) Subsections (4) and (5) apply if the responsible entity must, in assessing the change application under subsection (2)(d) or (da) consider – (a) a statutory instrument; or (b) another document applied, adopted or incorporated (with or without changes) in a statutory instrument.	Noted
Section 81 – Assessing change applications for minor changes	Officer comments
(3) The responsible entity must consider the statutory instrument, or other document, as in effect when the development application for the development approval was properly made.	The original application was assessed against the preliminary approval M38 Industrial Estate Place Code, and the minor change application has been assessed against the same preliminary approval. Assessment benchmarks and matters are consistent between both applications.
Section 81 – Assessing change applications for minor changes	Officer comments
(4) However, the responsible entity may give the weight the responsible entity considers is appropriate, in the circumstances to –	
(a) the statutory instrument or other document as in effect when the change application was made; or	The original application was assessed against the preliminary approval M38 Industrial Estate Place Code, and the minor change application has been assessed against the same preliminary approval. Assessment benchmarks and matters are consistent between both applications.
(b) if the statutory instrument or other document is amended or replaced after the change application is made but before it is decided – the amended or replacement instrument or document; or	Noted.
(c) another statutory instrument – (i) That comes into effect after the change application is made but before it is decided; and (ii) That the responsible entity would have been required to consider if the instrument had been in effect when the development application for the development approval was properly made.	Noted.
Section 81 – Assessing change applications for minor changes	Officer comments

Section 81A of the *Planning Act 2016* applies to deciding an application for minor changes, in particular Subsection (2) – deciding change applications for minor changes.

- (2) After assessing the change application under section 81, the responsible entity must decide to –
- (a) make the change, with or without imposing development conditions, or amending development conditions, in relation to the change; or
 - (b) refuse to make the change.

Noted and actioned.